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In re Application of	:	
EBERSOLE, Richard C. et al.	:	
Application No.: 10/538,590	:	DECISION ON
PCT No.: PCT/US03/41808	:	
Int. Filing Date: 19 December 2003	:	PETITION
Priority Date: 20 December 2002	:	
Attorney's Docket No.: CL2272USPCT	:	UNDER 37 CFR 1.182
For: SEQUENCES DIAGNOSTIC FOR FOOT	:	
AND MOUTH DISEASE	:	

This decision responds to applicant's petition under 37 CFR 1.182, filed with the United States Patent and Trademark Office on 12 February 2007.

**BACKGROUND**

On 19 December 2003, applicant filed international application PCT/US03/41808, claiming a priority date of 20 December 2002. The deadline for entry into the national stage in the United States was midnight 20 June 2005.

On 15 June 2005, applicant filed a submission for entry into the national stage in the United States which was accompanied by the basic national fee and a declaration of the inventors.

On 17 August 2006, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration and the surcharge for late filing the search fee, examination fee or oath or declaration were required and indicating that the last name of the second inventor did not match the international application and that an explanation was required.

On 12 February 2007, applicant submitted a petition to change the name of the second inventor.

**DISCUSSION**

The fee for a petition under 37 CFR 1.182 is \$400, not \$130. The balance of the petition fee will be charged to deposit account no. 04-1928, as authorized.

The declaration is executed by Linda Besl. Applicant explains that she was formerly "Linda Schwartz," but was listed as "Linda Scwartz" on the international application as the result

of a typographical error. Subsequent to her divorce, "Linda Schwartz" became known as "Linda Besl." When she later married, "Linda Besl," became "Linda J. DeCarolis." This petition adequately explains the name changes for the second inventor.

However, the declaration does not match the inventor's name. Inventor DeCarolis must execute a declaration in her current name, as it is the name that she wishes the Office to use. A new oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required.

### **CONCLUSION**

Applicant's petition under 37 CFR 1.182 is **DISMISSED** without prejudice.

An oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the fee for late filing of the search fee, examination fee or oath or declaration are required within **TWO (2) MONTHS** of the mailing of this decision. Failure to timely reply will result in the abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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